

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION**

PATRICK MANIACI, Individually and on Behalf )  
of All Others Similarly Situated, )

Plaintiff, )

vs. )

THE RECEIVABLE MANAGEMENT )  
SERVICES CORPORATION, D/B/A RMS )

Defendant. )

Case No.: 18-cv-200

**JOINT REPORT OF THE PARTIES'  
RULE 26(f) DISCOVERY PLAN**

Hon. William E Duffin

Plaintiff Patrick Maniaci ("Plaintiff"), by his attorneys, Ademi & O'Reilly LLP, and Defendant The Receivable Management Services Corporation ("RMS"), by its attorneys, Hinshaw & Culbertson, LLP, respectfully submit the following report pursuant to Fed. R. Civ. P. 26(f), for purposes of the telephonic Fed. R. Civ. P. 16(b) scheduling conference, currently set for Wednesday, August 8, 2018 at 9:30AM.

Pursuant to Fed. R. Civ. P. 26(f), a conference was held on August 3, 2018. Attorney John D. Blythin participated for the Plaintiff and Attorney Alyssa A. Johnson participated for Defendant. Counsel have spoken about this action, including the possibility of settlement, prior to August 3, 2018.

1. Nature of the Case. The case at bar is an action under the Fair Debt Collection Practices Act ("FDCPA") 15 U.S.C. § 1692 *et. seq.*

2. Jurisdiction. There are no issues as to venue contemplated or pending before the Court. The parties do not otherwise contest jurisdiction, and believe this issue may be resolved, if appropriate, at summary judgment.

3. Possibility of Prompt Settlement. The parties have engaged in settlement discussions and will continue to do so.

4. Motions. Plaintiff filed a motion for class certification (Dkt. No. 3). Plaintiff also filed a motion to stay the class certification motion until the Rule 16(b) scheduling conference and for relief from the local rules requiring briefs and supporting materials to be filed with the motion and the automatic briefing schedule (Dkt. No. 3). The Court granted Plaintiff's motion to stay further proceedings and relieve parties from the automatic briefing schedule on the motion for class certification (Dkt. No. 5). Defendant filed a motion to dismiss for failure to state a claim (Dkt. No. 10). Plaintiff filed a motion for leave to file an amended complaint (Dkt. No. 15). The Court granted Plaintiff's motion for leave to file an amended complaint and finding as moot Defendant's motion to dismiss. (Dkt. No. 16). Defendant filed a motion to dismiss Plaintiff's amended complaint (Dkt. No. 18). The Court denied Defendant's motion to dismiss (Dkt. No. 22). Plaintiff intends to file an amended motion for class certification after conducting some discovery. Both parties anticipate motions for summary judgment or for judgment on the pleadings.

5. Initial Disclosures. The parties shall make their Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1) by August 22, 2018.

6. Length of Trial. The Parties anticipate that these claims may be resolved through dispositive motions. Plaintiff has requested a jury trial, and the parties expect that a trial on this matter would last two to three days.

7. Electronically Stored Information. The Parties are uncertain at this time whether this case will involve electronically stored information. In the event that this case does involve any electronically stored information, the Parties agree to discuss and seek agreement on protocols regarding the identification, review, and production of electronically-stored information. The Parties further agree to use reasonable measures to obtain discovery, following

the guidelines of the Federal Rules of Civil Procedure, including Rule 26(b)(2)(B) regarding the scope of production of electronically stored information, should such information be part of the discovery of this case.

8. Confidentiality. The Parties are unsure at this time whether disputes concerning confidentiality or claims of privilege will arise. If any such disputes arise, the parties will attempt to resolve them.

9. Orders. The Parties do not contemplate any additional orders that should be entered by the Court under Federal Rules 16(b)-(c) or 26(c) other than the Scheduling Order. Motions made in the normal course of litigation pursuant to the Court's Orders, the Federal Rules of Civil Procedure, and the Local Rules may be filed as the case dictates.

10. Change to Limitations on Discovery Imposed by Federal Rules. The parties agree that no changes to the limitations on discovery imposed by the Federal Rules are necessary at this time.

11. Class Certification. Plaintiff shall have until January 18, 2019 to file an amended motion for class certification and all supporting documents. The parties agree that Defendant should have 30 days from the filing of an amended motion for class certification, to file its brief in opposition, and that Plaintiff should have 21 days to file his reply brief. The parties further agree that the currently-filed motion for class certification should continue to be stayed until Plaintiff files an amended class certification motion, except that discovery relating to class certification shall proceed under regular discovery rules.

12. Expert Witness Disclosures. Plaintiff shall have until May 3, 2019, to name expert witnesses and produce reports. Defendant shall have until May 24, 2019, to name expert witnesses and produce reports. No rebuttal expert witnesses shall be allowed without leave of the

court.

13. Discovery Plan. Discovery can be completed by June 28, 2019.

14. Dispositive Motions. On or before July 26, 2019 either party may file dispositive motions.

Dated this 3<sup>rd</sup> day of August 2018.

ADEMI & O'REILLY, LLP

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Dated this 3<sup>rd</sup> day of August 2018.

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